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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,658	12/13/2005	Alan Robert Chapman	M8540/303808	2272

7590 10/25/2010
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EXAMINER

MOHADDES, LADAN

ART UNIT	PAPER NUMBER
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1726

MAIL DATE	DELIVERY MODE
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10/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/11/2010 have been fully considered but they are not persuasive.

On page 7 of Remarks, the applicant has argued that Turpin prior art is not available as prior art and relied on priority claimed to PCT/GB03/002621 and recited: "Figures 6 and 7 of priority application PCT/GB03/002621 are identical to Figures 3 and 4 of the present application". The examiner agrees with the applicant's statement, however the examiner points out to Figure 7 of the present application in which the applicant has relied on for amended claim 1 (and dependent claims) in the Remarks filed on 06/04/2010 (Page 7) as well as page 9 of the current Remarks. Figure 7 is not disclosed in the priority application PCT/GB03/002621. In addition, the examiner notes the references made to page 6, lines 18-22 (referring to physiological systems such as lung, which provides branched channels), pages 8 and 11 (referring to land areas and array of lands), page 10 (referring to convoluted channels, as well as narrow and varying width channels), and page 11, lines 7-12 (referring to fine diffusion channels). The examiner notes that the abovementioned features are disclosed in Figures 6 and 7 of priority application PCT/GB03/002621 (Figure 3 and 4 of instant application) and do not add additional information. For proof of concept the examiner has added rectangle and lines to Fig 4 of instant application to demonstrate narrow and varying lung shaped channels (including fine diffusion channels shown by added lines) as shown below:

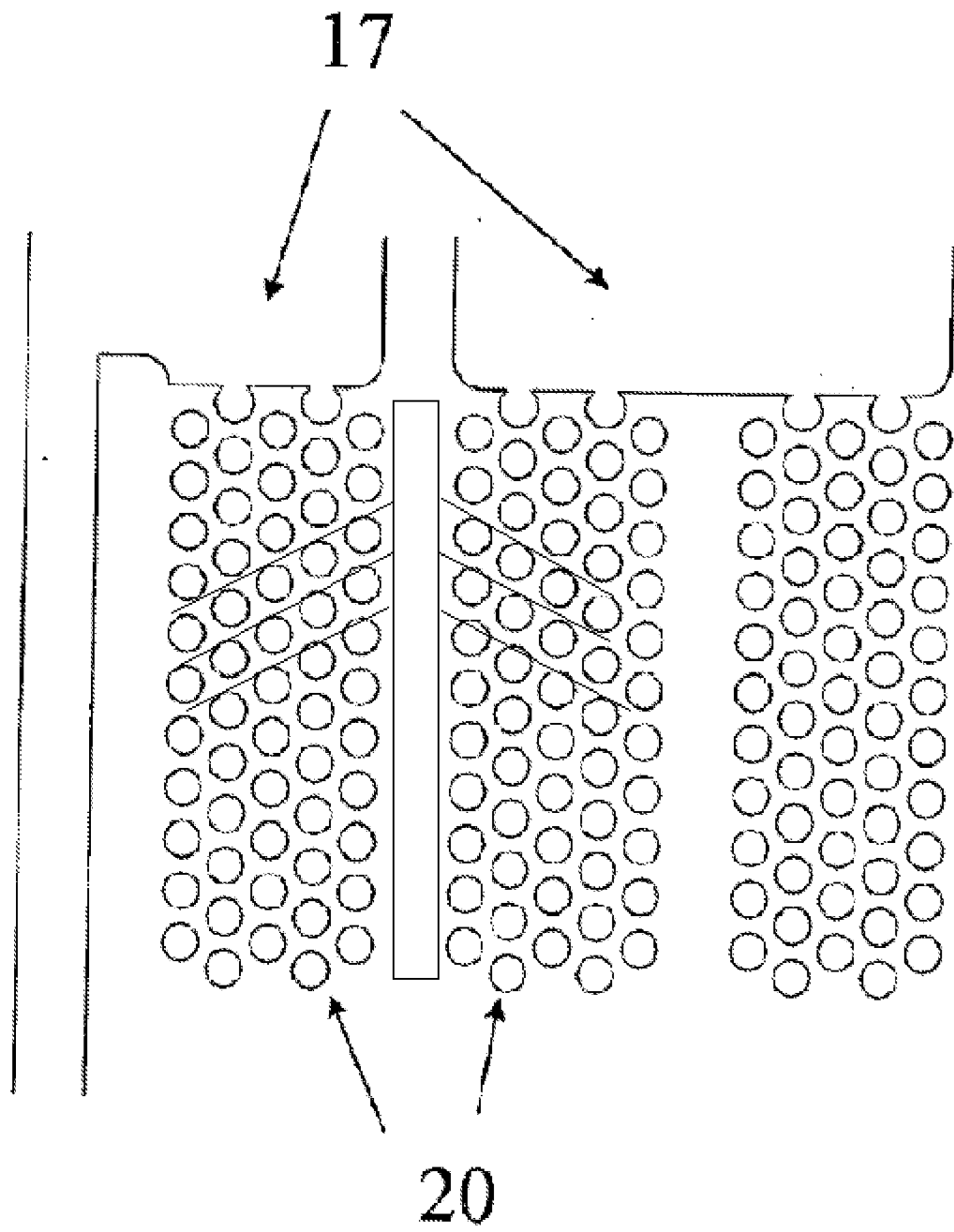


Fig. 4

On pages 7 and 8 of Remarks, the applicant has compared Figure 2 of Turpin with Figure 7 of the instant application and asserted that “an array of lands” are missing from disclosure of Turpin. However, the examiner draws the applicant’s attention to Figure 2 of Turpin, which shows an interconnected flow field channels in between array of lands (areas not numbered).

Therefore, the examiner maintains her position in rejecting claims 1-6, 10-12, 14 and 16-21 under U.S.C. 102 (b) as being anticipated by Turpin (GB 2375222).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LADAN MOHADDES whose telephone number is (571)270-7742. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LADAN MOHADDES/
Examiner, Art Unit 1726

/Patrick Joseph Ryan/
Supervisory Patent Examiner, Art Unit 1726